

Minutes of the Board of Adjustment meeting held on Monday, May 14, 2012, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Vice-Chair  
Tom Halliday  
Preston Olsen  
Ray Christensen, Senior Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens  
Excused: Roger Ishino, Chair  
Rosi Haidenthaller

The Staff Review meeting was held from 5:15 to 5:30 p.m. The Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

Travis Nay explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

#### APPROVAL OF MINUTES

Mr. Olsen made a motion to approve the minutes from April 9, 2012 as written. Mr. Halliday seconded the motion.

A voice vote was made. The motion passed, 3-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### CASE #1450 – AT&T – 6380 South Highland Drive – Project #12-51

Justin Hadley was the applicant present to represent this request. Ray Christensen reviewed the location and request for an expansion of the upper sector with eight ft. length antennas on an existing 61 ft. high nonconforming communications monopole. The zoning for this location is in the C-N-C (Commercial Neighborhood Conditional). The applicant indicated there will be a total of six new 8 foot length antennas. Murray City Code 17.52.040 allows for a structure, occupied by a nonconforming use, to be added to, enlarged or moved to another location on the lot subject to authorization by the Board of Adjustment. The original communications pole and antennas were constructed before this property was annexed into Murray City about 2003. In March, 2005 the Murray Board of Adjustment approved an expansion of three 8 foot length antennas on the lower sector of antennas. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for an expansion of a nonconforming use. Therefore, staff recommends approval subject to condition(s).

Mr. Hadley, 1565 North Main Street with Powder River Development Services, is the representative for AT&T. AT&T is working on bringing 4G to the area. To do this, they would like to remove six of the twelve existing antennas and replace them with six new 4G antennas which are 8 feet long. They are also looking to remove two of the other 4

foot antennas and replace them with 6 foot antennas. There should be no real visual change.

The meeting was opened up for public comment.

Kenneth McCleary, 6364 South Highland Drive, stated he owns the nearby property. He built and owns the Cyprus Credit Union office building that is located on two acres northwest of the applicant's cell tower. He said there used to be a nice view of the mountains, but now the view is looking directly at the tower. After reading the proposals of what AT&T wants to do with the tower, he is still unsure as to what it will look like. He is against the expansion. He has a lot of money invested in his office building and he doesn't feel that anyone should have to look at that tower or any expansion to it.

Mr. Nay asked Mr. McCleary if the trees are on his property or on the applicants. Mr. McCleary stated that the deed for the canal that separates his property from the applicants is in his name. The reason he left the trees there is to somewhat hide part of the cell tower. The only thing that the trees don't hide is the top of the cell tower and a bill board. Mr. Nay asked where Mr. McCleary is able to enter and exit his office building. Mr. McCleary stated that there are entrances and exits on 6400 South and Highland Drive.

Mr. Halliday wanted to know how the additional antennas are going to be mounted and will the height of the tower increase. Mr. Hadley responded by saying that the pole height will stay the same and the extended length on the new antennas will hang lower. Six antennas will be taken down and replaced by six new ones that will hang down slightly lower (8' length) than the previous six.

Mr. Olsen asked if it is the top row of antennas that will be replaced. Mr. Hadley responded in the affirmative. Mr. Olsen reiterated that there really won't be any noticeable difference due to the fact that the new antennas won't be adding any height to the tower.

Mr. Halliday made a motion to approve the expansion in the length of antennas on an existing 61 ft. high nonconforming communications monopole subject the applicant shall obtain the necessary building permit prior to construction and that the applicant will not exceed the current height. Mr. Olsen seconded the motion.

Vote recorded by Mr. Christensen.

A \_\_\_\_\_ Mr. Halliday

A \_\_\_\_\_ Mr. Olsen

A \_\_\_\_\_ Mr. Nay

Motion passed, 3-0.

Mr. Olsen made the motion to approve the Findings of Fact as outlined by staff. Mr. Halliday seconded the motion.

A voice vote was made. Motion passed, 3-0.

OTHER BUSINESS

There was no other business.

Meeting adjourned.

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Ray Christensen, Senior Planner  
Community & Economic Development